



## ATTACHMENT A

## Remarks

Turning first to section "3" of the Office Action, the provisional allowance of claim 16 is noted with appreciation. In order to expedite the prosecution, claim 13 has been amended to include the subject matter of claim 16. Claims 15 and 16 have been cancelled, and all of the remaining independent claims have been cancelled as well. As a result, only allowable claim 13, and the claims dependent thereon, remain in the application.

Turning now to the other issues raised in the Office Action, and considering these issues in the same order as raised, the indication that the rejections of the claims under 35 U.S.C. § 112, second paragraph have been withdrawn is noted with appreciation. In this section (section I), Applicant has been requested to "amend the specification pursuant to 37 C.F.R. § 1.75(d) and MPEP § 608.01(o) to explicitly state the means that perform the functions for transforming and selecting." While it is respectfully submitted that this requirement is no longer appropriate given that only method claims are now presented, the specification has been amended to "explicitly state which structure performed the transforming function" and "to more explicitly link a structure to the claimed function" of selecting "additional information of a size capable of being transferred during the remaining time period." The statements added to the specification clearly follow from the original specification for at least the reasons set forth in the last response that address the "transferring" and "selecting" functions.

Regarding section II, as indicated above, claims 1, 3, 4 and 7, among others, have been cancelled. Thus, it is respectfully submitted that the rejection in question is now moot. It is noted that claim 13 does not refer to the use of either data rate or file

priority in the "predicting" step, i.e., does not recite the use of "either data rate or file priority [in effecting] the calculation of predicting the time period during which communications between networks can be made." The Examiner has acknowledged that the specification describes other methods for predicting a time period and some of these methods are set forth in allowable claim 16 directed to this subject matter.

Because the claims no longer refer to data rate or file priority in the context of "prediction calculation," and because claims 1, 3, 4, and 7 have been cancelled, it is respectfully submitted that the rejection under 35 U.S.C. §112, first paragraph, is now moot.

With respect to the rejections on prior art, as indicated above, the claims have now been limited to a single independent claim incorporating the allowable subject matter of claim 16.

It is respectfully submitted that the application is now in condition for allowance.